

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH EARL GAY,) No. C 14-03328 EJD (PR)
Plaintiff,) ORDER OF DISMISSAL
v.)
KEVIN CHAPPELL,)
Defendant.)

)

On July 23, 2014, Plaintiff filed a request for temporary injunction which was construed as an attempt to file a complaint pursuant to 42 U.S.C. § 1983. On the same day, the Clerk sent Plaintiff a notice that his civil action was deficient because he did not pay the filing fee or file an In Forma Pauperis ("IFP") application. The notice included the warning that Plaintiff must respond within twenty-eight days to avoid dismissal of this action. (Id.) The deadline has passed and Plaintiff has not filed an IFP application or paid the filing fee. Accordingly, Plaintiff's case is DISMISSED without prejudice.

The Clerk shall terminate any pending motions and close the file.

DATED: 9/3/2014


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KENNETH EARL GAY,

Case Number: CV14-03328 EJD

Plaintiff,

CERTIFICATE OF SERVICE

v.

KEVIN CHAPPELL,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/4/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kenneth Earl Gay D-15601
CSP-San Quentin
CA State Prison at San Quentin
San Quentin, CA 94974

Dated: 9/4/2014

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk